



U.S. Department of Justice

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October 21, 2020

Honorable Paula Xinis
United States District Judge
United States District Court, District of Maryland
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Dear Judge Xinis:

Please accept this status report on behalf of the parties, providing an update to the Court regarding the defendants' plan, as set forth in defendants' letter requesting a conference, filed on October 9, 2020 (ECF No. 76) and as discussed during the October 19, 2020 conference, to return the (c)(8) I-765 applications that were submitted after August 25, 2020 without a biometric service fee or a request for a fee waiver, or with an incorrect biometric service fee, and have not otherwise been identified as being a member of CASA de Maryland, Inc. ("CASA") or the Asylum Seeker Advocacy Project, Inc. ("ASAP"). As of October 21, 2020, there are approximately 22,000 Form I-765s that fall into this category and are currently being held in a lockbox ("pending applications").

First, the parties have agreed upon the substance of the M-180 Notice that will be included with the returned pending applications, as discussed during the October 19, 2020 conference with the court. The parties are still discussing whether the M-180 Notice will include Spanish translation of some of the English text.

Second, defendants have agreed to continue to accept A-numbers from plaintiffs of CASA and ASAP members until 10:00 a.m. on October 26, 2020, and will make reasonable attempts to identify whether those individuals have a pending (c)(8) applications. If identified, defendants will process those identified applications in accordance with the preliminary injunction and these applications will not be returned.

Third, because the process addressed above may take several days, defendants will begin to return the pending applications beginning on October 30, 2020. Plaintiffs acknowledge that cases pending in the lockbox will continue to accumulate until this date. All cases pending in the lockbox as of October 30, 2020 will be returned with the M-180 Notice regardless of the date returned. Defendants estimate that approximately 1000 of the pending applications will be

prepared for return and mailed with their entire application packets to the applicants each business day. For any case processed after October 30, 2020 through November 13, 2020, the M-180 Notice will be included in any return.

Fourth, the parties understand that the Court clarified during the October 19, 2020 conference, that to obtain the benefit of the preliminary injunction, a CASA or ASAP member must be a member at the time the relevant application is filed.

Finally, while the parties are continuing to work together on other issues related to the implementation of the preliminary injunction, these unresolved issues do not prevent the agency to proceed with returning the pending applications as addressed above.

Plaintiffs' counsel has approved this letter and authorized the undersigned to submit this letter as the parties' status report.

Respectfully submitted,

Robert K. Hur
United States Attorney

_____/s/_____
Jane E. Andersen
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Counsel for Defendants